

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 19-0410, P 19-0411, P 19-0412 & P 19-0413)	DECISION AND CONDITIONS
Hadley Properties)	OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on August 12, 2020, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is an application for a phased Planned Unit Development of two existing parcels totaling approximately 40.6 acres into forty (40) residential lots, one (1) garage/mini-storage lot, four (4) open space tracts and one (1) tract for future commercial use located in the Recreational Development (RD) zoning district of Grant County. Phase I of the Subdivision will consist of a 55 unit mini-storage facility, a community well site, a stormwater pond/open space, entry road and open space area. Phase 2 will consist of 11 residential lots, a pool/amenity lot, the future commercial tract and an open space area. Phase 3 will consist of 14 residential lots. Phase 4 will consist of 14 residential lots, a utility/access tract and two larger open space lots.
2. The Applicant is Hadley Properties, 5601 6th Ave S, Suite 350, Seattle, WA 98108. The designated contact is Todd Oberg, The Blueline Group, 25 Central Way, Suite 400, Kirkland, WA 98033.
3. The site address of the subject parcel is located on the east side of Crescent Bar Road NW (approximate address is 9100 Crescent Bar Road NW) in the Crescent Bar Community. The project is located in the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section 18, Township 20 North, Range 23 East, WM, Grant County, WA (Parcel #14-1289-000 and 15-0629-000).
4. The zoning for the property is Recreational Development.
5. The zoning for neighboring parcels is: North- Master Plan Resort; South- Recreational Development and Rural Remote; East- Master Plan Resort, Rural Remote; West- Recreational Development.
6. The Comprehensive Plan designation for the subject property is Recreational Development.
7. Grant County issued a Mitigated Determination of Non-Significance for this proposal on June 18, 2020. The appeal period ended on July 16, 2020.

8. The subject parcel was reviewed for Critical Areas in accordance with Grant County Code 24.08 Critical Areas and Cultural Resources. Portions of the project site were found to be located within 300 feet of a critical area. The east quarter of the subject parcel was found to be located in a Priority Habitat & Species area. Due to prior permitted land-forming activities no additional review was required. A wetland area as defined in the National Wetland Inventory mapping was also found to cross the property. Due to prior permitted land-forming activities and the presence of decades old orchard, no additional review was required. Cultural Resource areas were also found to be located within 300 feet of the project. A Cultural Resource Survey was performed by Cultural Resource Consultants of Seattle, WA, dated March 19, 2020. According to the Survey no archaeological or historic sites were identified within the project. Soils with high geological hazard were found to be within 300 feet of the site proposal. A Geotechnical Engineering Evaluation and Geologic Hazard Assessment was performed by Nelson Geotechnical Associates, Inc. (NGA) for the site. The subsurface conditions within the site were explored in July, 2019. It was the opinion from the geotechnical standpoint that the planned development is generally feasible at the site of the orchard portion provided that NGA recommendations be incorporated into project plans. The project site is not located within 300 feet of any other Critical Area as defined by Grant County Code.

9. A Public Notice containing information on this project was published in the Columbia Basin Herald on March 26, 2020, May 22, 2020, was mailed to property owners within 300 feet of the subject property, and was posted on the subject property. Information on this project was also mailed to applicable agencies of jurisdiction for their review and comment. A notice of postponed hearing was published on May 22, 2020. A notice of SEPA issuance was published on June 18, 2020. A notice of rescheduled public hearing was published on July 27, 2020.

<i>Agencies Notified</i>	<i>Response Received</i>	<i>Agencies Notified</i>	<i>Response Received</i>
Grant County Fire Marshal	3/23/2020	Grant County Treasurer's Office	None
Grant County Fire Districts #3	None	Grant County Emergency Management	None
Grant County Health District	4/1/2020 & 12/18/2019	Grant County Sheriff Office	None
Grant County Public Works Department	3/26/2020	Grant County Auditor	3/24/2020
Grant County P.U.D.	None	Grant County Noxious Weed Board	None
Grant County Assessor's Office	None	Bureau of Reclamation	None
		Quincy Columbia Basin Irrigation District	None
WA State Dept. of Fish and Wildlife	None	WA State Dept. of Transportation	6/11/2020, 4/15/2020 and 3/23/2020

WA State Dept. of Health (Drinking Water)	None	WA State Dept. of Health (Wastewater)	6/19/2020
WA State Dept. of Ecology	4/17/2020	WA State Dept. of Archaeology and Historic Preservation (SEPA)	3/27/2020

10. One public comment was received for the proposal.
11. The application was determined to be technically complete on March 23, 2020.
12. This proposal was processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application and Review Procedures" of the Grant County Unified Development Code (UDC).
13. This proposal was reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of Grant County Unified Development Code. The project site was found to be located within 300 feet of a wetland area, a priority habitat and species area, cultural resource areas and geologically hazardous areas. A cultural resource survey was completed for this project and a geotechnical report was completed for this project with recommendations included in conditions of approval minimizing impacts. Additionally, the decades old existing orchard located on this site and previous permitted earthwork also on this site have disturbed those mapped priority habitat and species sites and wetlands areas to the point that the administrative official does not believe said areas of concern exist.
14. The proposal is not within an Urban Growth Area (UGA).
15. No agency comments were received that would prohibit the proposed development.
16. No public comments were received that would prohibit the proposed development.
17. The proposed PUD and Preliminary Plats are proposed to be developed in four phases.
18. The zoning standards of the Recreation Development (setbacks, etc.) will be utilized.
19. Water will be provided to the project by a Class A water system served by a State Water Right. This system is under the jurisdiction of the WA State Department of Health.
20. Sewer will be provided utilizing individual septic systems. These systems will be under the jurisdiction of the WA State Department of Health.
21. Pursuant to Grant County Code 23.04, Table 5, the construction of a mini-storage facility is allowable subject to a Conditional Use Permit.
22. The project, at completion, will provide parking consistent with the minimum required number of parking spaces for mini-storage facilities.
23. The project, at completion, will provide the required 20 feet of landscaping as indicated in Grant County Code §23.08.330 (a)(2), staff has determined the amount of landscaping to be appropriate for the proposal.

24. Planned Unit Developments encourage creativity in design, provide for efficiency in layout of streets and utilities along with preservation of usable open space. The burden of proof is on the applicant to provide evidence in support of the application and after reviewing the material submitted Staff recommended approval of the Planned Unit Development as conditioned. The applicant has submitted an Application for a 40 residential lot subdivision and several open space tracts located in the Recreational Development zoning District.
25. Planned Unit Development. Grant County Development Services staff has reviewed and considered the application materials and the comments received for the proposal. Based on the proposed Conditions of Approval specified below, staff recommended approval of the PUD and Preliminary Subdivision. The following are the Criteria of Approval for a PUD and Preliminary Subdivision as well as responses to those criteria.
26. The proposed Planned Unit Development does meet the applicable requirements of this Chapter;
- 26.1 The applicable requirements in GCC Chapter 23.04 (Zoning Districts) for this development proposal exist in Article VIII Planned Unit Developments, Section 23.04.800. The development proposal will comply with all requirements outlined in Section 23.04.800, including but not limited to permitted use, development standards, and open space requirements. See submittal package for procedural compliance, and submitted site plan for development and open space standards compliance.
- 26.2 Grant County Code 23.04.800 enumerates six (6) purposes relating to PUDs. The Planning Department has reviewed said purposes and based on our review and subject to the Conditions of approval it has been determined that the requested Planned Unit Development conforms to and is consistent with the requirements, purpose and intent of the Comprehensive Plan and the Unified Development Code.
27. The proposed Planned Unit Development does comply with the Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
- 27.1 Grant County Comprehensive Plan designation for the proposed project site is RD (Recreational Development). Per 23.04.800 (b), a Planned Unit Development is permitted in the Recreational Development zone.
- 27.2 The Shoreline Master Program does not apply to the proposed development, as it is not located within 200 feet of the ordinary high water mark of any of the County's shorelines.
- 27.3 The site plan was developed utilizing development standards set forth in Grant County's Unified Development Code Chapter 23.12.
- 27.4 A completed SEPA checklist has been included in this submittal package.
- 27.5 As outlined above, the Planning Department has determined that this PUD conforms to and is consistent with the Comprehensive Plan and the zoning code. The project is not located within 200 feet of a shoreline of statewide significance, therefore the

Shoreline Master Program is not applicable for this project. A SEPA MDNS was issued for this proposal on June 18, 2020.

28. The proposed Planned Unit Development does comply with health requirements for sewage disposal and potable water supply.
 - 28.1 The proposed development will meet with health requirements for sewage disposal and potable water supply.
 - 28.2 The PUD complies with health requirements for sewage disposal and potable water supply as conditioned. The applicant has detailed in the application materials how they will provide water and sewer for the project. These materials were forwarded to the Grant County Health District as well as the WA State Department of Health for their review and comment. The recommended conditions of approval from these agencies have been included in this decision.
29. The proposed Planned Unit Development does contain an accurate legal description of the lots being created, and the roads and easements therein.
 - 29.1 When the final development has obtained all the necessary approvals and has been recorded with Grant County, legal descriptions for all lots, roads, and easements will be allocated.
 - 29.2 The application materials have been sent to the Grant County Assessor and the Grant County Public Works Departments for their review. This review process insures the legal descriptions of the proposed lots are accurate. The comments received back from both of these departments have been included as Conditions of Approval where appropriate.
30. The proposed Planned Unit Development does comply with Grant County and State Department of Transportation regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements.
 - 30.1 The proposed development will meet design standards and regulations set forth by Grant County and State Department of Transportation pertaining to roads, utilities, drainage, emergency vehicle access, and all other necessary infrastructure improvements. See submitted plan set for compliance to the abovementioned standards.
 - 30.2 The PUD as conditioned will comply with relevant standards for roads, utilities, drainage, access for emergency vehicles and other various infrastructure improvements. Information submitted by the applicant has been forwarded to the Grant County Public Works, the Grant County Fire Marshall, Grant County Fire District #3 and WA State Department of Transportation for their review and comments. Comments were received from Public Works, Fire Marshall, and the Department of Transportation. Relevant comments have been included as suggested Conditions of Approval. While the project site is not located in the immediate vicinity of a State Highway or interstate, the project's traffic volume has a potential

to impact such facilities. Therefore the application was sent to WSDOT and their recommended conditions were included.

31. The proposed Planned Unit Development **does** comply with requirements of the U.S. Department of the Interior, Bureau of Reclamation and/or a recognized Irrigation District when the proposed PUD is within the boundaries of an Irrigation District.
 - 31.1 The proposed PUD is not located within the boundaries of an Irrigation District.
 - 31.2 The proposed PUD was provided to the U.S. Bureau of Reclamation and the Quincy-Columbia Basin Irrigation District. No comments have been received from those agencies.
32. The proposed Planned Unit Development **does** function as a single site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
 - 32.1 The proposed PUD will function as a single site, with a cohesive network of lot access, circulation, open space, landscaping, drainage facilities, facility maintenance and parking. See submitted plan set for proposed lot access, circulation, open space, landscaping, and drainage plans.
 - 32.2 The PUD does function as a single site.
33. The proposed PUD **is** consistent in design, character and appearance with the goals and policies for the zoning district in which the proposed PUD is located.
 - 33.1 The site design will be consistent in design, character, and appearance with the goals and policies set forth in GCC 23.04.800 Planned Unit Developments, as well as GCC 23.04.450 Recreational Development (RD) found in Grant County's unified development code. See submitted plan set for zoning code compliance regarding design, character, and appearance.
 - 3.2 The PUD is consistent with goals and policies for the Recreational Development Zoning District. Grant County Comprehensive Plan Goals RU-4.3 and RU 4.4 are to allow "New rural commercial uses should be permitted within appropriate 'Limited areas of more intense rural development (LAMIRD)' designated areas. Rural commercial uses should be limited in size to serve the areas in which they are located." Additionally, Recreational/tourist and highway-oriented commercial facilities may be located within a natural resource designation or a rural designation if, at a minimum, the following criteria are met: 1) the location of the facility would not adversely impact the natural resource production in the area. 2) The facility is of size and scale for the intended use and the surrounding area. 3) The use does not require extension of urban services. This PUD application would help implement those goals. Also appropriate conditions of approval have been suggested that will ensure the PUD meets the applicable zoning code requirements.
34. The characteristics of the PUD **will not** be unreasonably incompatible with the types of uses permitted in surrounding areas

- 34.1 The area surrounding the site is largely made up of single-family residential development. A PUD development on the proposed site would be a compatible use with adjacent properties.
- 34.2 The surrounding zonings are Rural Remote, Master Plan Resort and Recreational Development. The primary use for this PUD will be recreation oriented single family residential lots and supporting uses. The proposed uses in this new PUD are not significantly different enough so as to be incompatible with the uses in the vicinity.
35. The proposed PUD **will not** create undue noise, odor, heat, vibration, air or water pollution impacts on surrounding existing or potential dwelling units.
- 35.1 The proposed PUD will not create undue noise, odor, heat, vibration, air, or water pollution impact on surrounding existing or potential dwelling units. Any noise, odor, vibration, air, or water pollution impacts will be consistent with a single-family residential development.
- 35.2 This PUD will not create undue noise, odor, heat, vibration or water and air pollution impacts on surrounding existing or potential dwellings. The proposal is a single family residential development with expected low impact uses consistent with single family dwellings.
36. The proposed PUD **will not** materially endanger the health, safety and welfare of the community.
- 36.1 The proposed development will not materially endanger the health, safety, and welfare of the community. Any necessary health and safety precautions will be taken during the construction of this project.
- 36.2 Development Services staff has determined that as conditioned, this PUD will not materially endanger the health, safety and welfare of the community.
37. The proposed PUD is such that pedestrian and vehicular traffic associated with the use **will not** be hazardous or conflict with existing and anticipated traffic in the local area.
- 37.1 All required on-site pedestrian and traffic infrastructure will be designed in accordance with Grant County standards, and any required off-site pedestrian and vehicular improvements will be installed.
- 37.2 The associated traffic will not be hazardous or conflict with anticipated traffic in local areas. SEPA mitigation measures have been developed to evaluate the vehicular traffic caused by the development after construction and if necessary, make necessary road improvements. The PUD is not anticipated to generate significant pedestrian traffic within the County road system.
38. The application **does** include evidence of availability of adequate public services and facilities, including access, fire protection, water, storm water control, and sewage disposal facilities.

- 38.1 All proposed utilities, including access, fire protection, water, storm water control, and sewage disposal can be found in the submittal package. They are to be reviewed and approved for adequacy by the County before development.
- 38.2 The application provides for adequate provision of services and facilities. The water and wastewater (sewer) for the site is under the jurisdiction of the Washington State Department of Health. The application materials have been reviewed by the State and their comments have been included as conditions of approval. Additional conditions of approval have also been included that will ensure adequate fire protection for the site, as determined by the Grant County Fire Marshal (who is the regulatory authority for such matters in Grant County). The application also addresses storm water. Access is provided via Crescent Bar Road NW.
39. The location, size and height of buildings, structures, walls and fences and screening vegetation for the proposed PUD **shall not** hinder or discourage the appropriate development or use of neighboring properties.
- 39.1 The location, size, and height of all proposed buildings, structures, walls, fences, and screening vegetation will be designed in compliance with Grant County's unified development code.
- 39.2 The location, size, and height of buildings, structures, walls and fences of the proposed PUD will not hinder or discourage development of neighboring properties. The PUD does not propose to establish any unique development standards (setbacks, building heights, etc.) therefore those of the underlying zoning will apply.
40. The proposed PUD **is not** in conflict with the policies of the Comprehensive Plan, the comprehensive plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Chapter.
- 40.1 The proposed PUD will not conflict with policies in Grant County's Comprehensive Plan, the comprehensive plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Chapter.
- 40.2 PUD as conditioned is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this chapter.
41. For proposed PUDs adjacent to lands zoned as Agriculture (AG) or Mineral Resource Overlay (MRO), the impacts on the long-term natural resource management and production will **not be** minimized.
- 41.1 The proposed PUD is not adjacent to lands zoned as Agriculture (AG) or Mineral Resource Overlay (MRO).
- 41.2 The PUD is not adjacent to either an Agriculture or Mineral Resource Overlay zone.
42. The proposed PUD requires land division or a binding site plan, and it **does** meet the requirements of GCC § 22.04;

- 42.1 The proposed PUD will require land division and will meet the requirements set forth in GCC 22.04.
- 42.2 The applicant has submitted a Preliminary Subdivision proposal concurrent with the PUD.
43. The proposed PUD **does** identify and protect critical areas, archaeological and historic resources, and visual and aesthetic resources, and environmental considerations are employed in the design, placement and screening of facilities and amenities;
- 43.1 Any critical areas, archaeological and historic resources, visual and aesthetic resources will be identified and protected if present on site. Environmental considerations will be employed in the design, placement, and screening of facilities and amenities where feasible and practical.
- 43.2 The PUD identifies and protects critical areas. The east quarter of the subject parcel was found to be located in a Priority Habitat & Species area. Due to prior permitted land-forming activities no additional review was required. A wetland areas as defined in the National Wetland Inventory mapping was found to cross the property. Due to prior permitted land-forming activities and the presence of decades old orchard, no additional review was required. Cultural Resource areas were found to be located within 300 feet of the project. A Cultural Resource Survey was performed by Cultural Resource Consultants of Seattle, WA, dated March 19, 2020. According to the Survey no archaeological or historic sites were identified within the project. Soils with high geological hazard were found to be within 300 feet of the site proposal. A Geotechnical Engineering Evaluation and Geologic Hazard Assessment was performed by Nelson Geotechnical Associates, Inc. (NGA) for the site. The subsurface conditions within the site were explored in July, 2019. It was the opinion from the geotechnical standpoint that the planned development is generally feasible at the site of the orchard portion provided that NGA recommendations be incorporated into project plans.
44. The proposed PUD **will not** cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
- 44.1 The proposed PUD is not likely to cause significant adverse impacts on the human or natural environment. A SEPA checklist has been included as part of this submittal package.
- 44.2 As conditioned the PUD will not cause significant impacts on human or natural environments. SEPA review was completed for the proposal and a Mitigated Determination of Non-Significance was issued by Grant County. This MDNS listed mitigation measures that, if followed, will prevent the proposal from having negative impact on the human or natural environments.
45. The proposed land uses, activities, and structures **does** comply with applicable development standards of GCC § 23.12 and performance standards specified in GCC § 23.08, and with any required mitigation measures.

- 45.1 The proposed PUD will comply with all applicable development standards outlined in GCC 23.12 and performance standards specified in GCC 23.08.
- 45.2 The PUD complies with the relevant sections of Grant County Code. Conditions of approval have been suggested to ensure compliance.
- 46. The proposed PUD does pass all concurrency tests as provided by GCC § 25.20.
 - 46.1 The proposed PUD will pass all concurrency tests set forth by GCC 25.20
 - 46.2 The PUD satisfies the concurrency requirements as provided in GCC 25.20.
- 47. Preliminary Subdivision. The applicant has submitted a subdivision for a four phased development which consists of 40 residential lots and eight tracts for open space future commercial space, Mini-Storage facilities, roads, utility and pool/amenity spaces. Staff has reviewed the proposed plat and subject to the conditions of approval is consistent with the Unified Development Code.
- 48. The proposed subdivision does meet the applicable requirements of UDC Chapter 22.04 "Subdivisions and Plats."
 - 48.1 The applicable requirements in GCC Chapter 22.04 (Land Division) for this development proposal exists in Article IV Design and Development Standards. The development proposal will comply with all requirements outlined in Chapter 22.04, including but not limited to road standards, grading and drainage standards, and health and safety standards. See submittal package for procedural compliance, and submitted site plan for development compliance.
 - 48.2 Grant County Code § 22.04.010 lists nine purposes, in addition to those purposes set forth in RCW 58.17.010, that are essential to the regulation of division of land within the unincorporated areas of Grant County. Planning Department staff reviewed said purposes. Based on our review, and subject to the proposed Conditions of Approval, Planning Department staff determined that the requested subdivision conforms to and is consistent with the requirements, purpose, and intent of the Comprehensive Plan and the Unified Development Code.
- 49. The proposed subdivision does serve the public use and interest.
 - 49.1 The proposed preliminary subdivision serves the public use and interest by complying with all relevant municipal regulations found in the Grant County Code.
 - 49.2 Based on our review of this project, the Planning Department has determined that public use and interest will not suffer any detrimental effects due to approval and/or the implementation of the proposed subdivision. This project has been planned, proposed, and will be conditioned in such a manner that will maintain public safety and welfare.

50. The proposed subdivision does comply with the Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
- 50.1 Grant County Comprehensive Plan designation for the proposed project site is RD (Recreational Development). Per 23.04.450 (a) single-family residential is permitted in the Recreational Development zone.
- 50.2 The Shoreline Master Program does not apply to the proposed development, as it is not located within 200 feet of the ordinary high water mark of any of the County's shorelines.
- 50.3 The site plan was developed utilizing development standards set forth in Grant County's Unified Development Code Chapter 23.12.
- 50.4 A completed SEPA checklist has been included in this submittal package.
- 50.5 As outlined above, the Planning Department has determined that this proposal conforms to and is consistent with the Comprehensive Plan and the Unified Development Code. The subject parcels are not located within 200 ft. of a Shoreline of State-Wide Significance. As such, subdivision of the parcels as proposed will have no effect on any shorelines of Grant County, and the Grant County Shorelines Master Program is not applicable in this instance. A SEPA Mitigated Determination of Non-Significance (DNS) was issued for this proposal on June 18, 2020 containing mitigation measures.
51. The proposed subdivision does comply with Health District requirements for sewage disposal and potable water supply.
- 50.1 The proposed development will meet with health requirements for sewage disposal and potable water supply.
- 50.2 Information about the proposed subdivision was mailed to the Grant County Health District, the Washington State Department of Health and the Washington State Department of Ecology for their review and comments. Comments and/or requirements received from the agencies that are specific/applicable to this proposal were included as Conditions of Approval.
52. The proposed subdivision does contain an accurate legal description of the lots being created, and the roads and easements therein.
- 52.1 When the final development has obtained all the necessary approvals and has been recorded with Grant County, legal descriptions for all lots, roads, and easements will be allocated.
- 52.2 Information about this application was also mailed to the Grant County Assessor's Office and to the Grant County Public Works Department for their review and comments. Review of proposed subdivisions by the Assessor's Office ensures that legal descriptions of proposed lots are accurate. Review of such proposals by the Public Works Department ensures that any roads and easements contained therein

meet county standards and are described and depicted accurately in plat drawings. Comments and/or requirements specific/applicable to this proposal received from these agencies were also included as Conditions of Approval.

53. The proposed subdivision **does** comply with Grant County and, where applicable, all State Department of Transportation regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements.
- 53.1 The proposed development will meet design standards and regulations set forth by Grant County and State Department of Transportation pertaining to roads, utilities, drainage, emergency vehicle access, and all other necessary infrastructure improvements. See submitted plan set for compliance to the abovementioned standards.
- 53.2 Information about the proposed subdivision was forwarded to Grant County Public Works for their review and comments. The comments received have been included in this staff report and conditioned as necessary. Information about proposed subdivisions is mailed to the WA State Department of Transportation (WSDOT) for review and comments when the subject site is on or near a state highway. WSDOT comments and concerns were submitted and included as conditions of approval of this proposal.
54. The proposed preliminary subdivision **complies** with relevant city regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements for subdivisions within an urban growth area when the city has a signed inter-local agreement with the County which addresses coordination of development standards, except as otherwise specifically provided in GCC § 23.12.
- 54.1 Compliance with city regulations is not required, as the proposed project is not located within an urban growth area and is under Grant County's jurisdiction.
- 54.2 Pursuant to GCC § 22.04.220(a)(12), application materials for preliminary subdivisions shall be submitted to the relevant city if the proposed land division is within an Urban Growth Area. This proposal is not located within an Urban Growth Area of any jurisdiction within Grant County and is not applicable to this proposal.
55. The proposed subdivision **does** comply with all requirements of the United States Department of the Interior, Bureau of Reclamation, and/or a recognized Irrigation District when the proposed preliminary subdivision is within the boundaries of an Irrigation District.
- 55.1 The proposed PUD is not located within the boundaries of any Irrigation District.
- 55.2 Information about the proposed subdivision was also mailed to the U.S. Bureau of Reclamation for their review and comments. When a proposed subdivision is within the boundaries of an Irrigation District, information about the proposal is also mailed to the appropriate District for their review and comments. Specific/applicable comments and/or requirements that are received from these agencies are included as Conditions of Approval. As such, review of proposed subdivisions by these agencies ensures that such proposals are conditioned in such a way so as to comply with

requirements of the U.S. Department of the Interior, Bureau of Reclamation, and/or the appropriate Irrigation District. In this particular instance this proposal is not within an irrigation district and does not have any requirements to meet for the Bureau of Reclamation or Irrigation District.

56. The subdivision preliminary subdivision **does** make necessary provisions for: A) adequate streets or roads, sidewalks or other public ways B) potable water supplies, sanitary wastes, and drainage ways C) open spaces, parks and playgrounds D) Schools and School grounds E) Landscaping, lighting—if required.
- 56.1 The site design will be consistent in design, character, and appearance with the goals and policies set forth in GCC 23.12 Development Standards, as well as GCC 23.04.450 Recreational Development (RD) found in Grant County's unified development code. See submitted plan set for zoning code compliance regarding design, character, and appearance.
- 56.2 The proposed subdivision has adequate provision for streets and roads, as well as potable water supply and sanitary waste provisions. Subject to the proposed Conditions of Approval, the proposed subdivision will adequately provide these services. Parks, playgrounds, and schools were not required for a subdivision of this scale and in this setting.
57. Conditional Use Permit. Grant County Planning Staff has reviewed and considered the application materials and the comments received for the proposal. Based on the proposed conditions of approval specified below, and the current design of the project, staff recommended approval of the subject Conditional Use Permit.
- 57.1 The proposed use **will not** be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
- 57.2 Mini storage facilities are a conditional use in the RD (Recreational Development) zone per GCC 23.04 Table 5. If the submitted conditional use permit is approved, the proposed use will not be contrary to the intent or purpose and regulations of the Grant County Code or the Comprehensive Plan.
- 57.3 Planning Department staff have reviewed the purpose of a Conditional Use Permit as stated in Grant County Code § 25.08.010. Based on our review of said purpose, and upon our review of the application materials submitted for this proposal, and subject to the proposed Conditions of Approval, the Planning Department has determined that the requested Conditional Use Permit conforms to and is consistent with the requirements, purpose, and intent of the Comprehensive Plan and the Unified Development Code.
58. The proposal **is** appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
- 58.1 The proposal follows applicable design guidelines appropriate for the land use designation.

- 58.2 The proposal appears to be appropriate in design, character, and appearance with the goals and policies for the applicable land use designation. The use will primarily be for the residents of the development and surrounding area and will allow the residents in this lower area of Crescent bar not to have to drive miles up the hill on the single access road, and in so doing will serve to enhance rural residential development within an area already characterized by similar development. As such, this proposal has been deemed appropriate for the land-use designation in which it is located.
- 59 The proposed use **will not** cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
- 59.1 The proposed use is not likely to cause significant adverse impacts on the human or natural environment. A SEPA has been included as part of this submittal package.
- 59.2 Based on our review of this proposal, Planning Department staff has determined that, as conditioned, approval and/or completion of this project will not cause any significant adverse impacts to the natural or human environments. This project has been planned, proposed, and will be conditioned in such a manner that will reduce or eliminate any such adverse impacts.
- 60 The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) **will not** produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
- 60.1 The proposed conditional use will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
- 60.2 The Planning Department considered cumulative impacts of this proposal, including access, land use, aesthetics, transportation, purpose, appropriateness and justification of scope, and degree of use. The Planning Department believes that this proposal in and of itself will have only minimal impact, that any such impact will be mitigated by conditions of approval, and that the cumulative impact of additional requests for like actions in the area will not produce any significant adverse effects to the environment.
62. The proposal **will be** served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 62.1 The proposal will be served by adequate facilities. See associated PUD submittal for utility proposal.
- 62.2 Information about this application was mailed to all applicable agencies of jurisdiction for their review and comments. These applicable agencies included the Grant County Fire Marshal, Grant County Fire District #3, the Grant County Health District, and the Grant County Public Works Department. Those agency comments and/or requirements received that are specific/applicable to this proposal have been included as Conditions of Approval. As such, this proposal has been conditioned in such a manner so as to comply with requirements received from these agencies in regards to access, fire protection, water, stormwater control, and sewage disposal.

63. The location, size, and height of buildings, structures, walls and fences and screening vegetation for the proposed use **shall not** unreasonably interfere with allowable development or use of neighboring properties.
- 63.1 The location, size and height of all proposed structures will not interfere with allowable development and use of neighboring properties.
- 63.2 Any buildings or structures erected on the subject site must comply with Development Standards of Grant County Code. The proposed Mini-Storage Park facility, as described in the application materials, complies with applicable Development Standards of GCC § 23.12. As such, it will not interfere with allowable uses of neighboring properties.
64. The pedestrian and vehicular traffic associated with the conditional use **will not** be hazardous to existing and anticipated traffic in the neighborhood.
- 64.1 The proposed conditional use will not create hazards to the existing and anticipated traffic in the neighborhood.
- 64.2 Information about this application was sent to the Grant County Public Works Department for their review and comments. Comments received from the Public Works Department included requirements specific/applicable to this proposal that were included as a Condition of Approval. Therefore, it can be reasonably concluded that, as so conditioned, this proposal will have no hazardous impacts to existing or anticipated traffic in the area. Information about this Conditional Use Permit application was also mailed to the WA State Department of Transportation (WSDOT) for review and comments. Review of projects by the WSDOT ensures compliance with all WSDOT regulations when applicable. In this instance, WSDOT did reply on this proposal indicating their concerns which have been included as conditions of approval.
65. Land uses, activities, and structures that are allowable as conditional uses must also **comply** with any required performance standards in GCC § 23.08.
- 65.1 The proposed conditional use will comply with all required performance standards specified in GCC 23.08 if applicable.
- 65.2 Grant County Code § 23.08 "Performance and Use Standards" contains no specific requirements for the use proposed by this project. However, as proposed, the Mini-Storage Park facility will comply with the applicable Development Standards of GCC § 23.12.
- 66 The proposal **does not** include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
- 66.1 The proposed conditional use will not result in the siting of an incompatible use adjacent to an airport or airfield.

- 66.2 Whenever a subject site is in close proximity to an airport, information about Conditional Use Permit applications is typically mailed to said airport for review and comments. Review of the projects by the airport ensures that implementation of the proposal will not result in siting of an incompatible use adjacent to, or in the vicinity of, said airport. In this instance, however, the subject site is not located in close proximity to any airport, airfield, or Airport Safety Overlay Zone. As such, no airports were included in the applicable agencies of jurisdiction to which information about this particular project was sent for review and comments.
- 67 The proposal **conforms** to the standards specified in GCC § 23.12.
- 67.1 The proposed conditional use will conform to the standards specified in GCC 23.12.
- 67.2 As outlined above, the Planning Department has determined that this project, as proposed and conditioned, complies with applicable Development Standards of GCC § 23.12.
68. An open record public hearing after due legal notice was held via Zoom teleconference on August 12, 2020.
69. Appearing and testifying at this hearing was Todd Oberg, the agent for the applicant Hadley Properties. Mr. Oberg testified that he had reviewed the proposed conditions of approval and had no objection to any of them.
70. No member of the public testified at this hearing.
71. The Hearing Examiner has reviewed and considered the application materials and the comments received for the proposal.
72. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. The proposal conforms to the standards specified in Grant County Code § 23.04.800, § 23.04.450, § 22.04, § 23.12, § 23.08, § 25.20, and § 25.08.010.
4. The proposal conforms to the standards specified in Grant County's Unified Development Code Chapter 23.12. UDC Chapter 22.04.
5. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, P 19-0410, P 19-0411, P 19-0412 & P 19-0413) is hereby **APPROVED** subject to the following Conditions of Approval.

P 19-0410, P 19-0411, P 19-0412 & P 19-0413

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IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. The landowner/applicant is responsible to determine if other permits and/or licenses will be required by other local, state, and Federal agencies. The landowner/applicant shall acquire all such permits and/or licenses as required.
2. The landowner/applicant shall comply with all findings, recommendations, restrictions, and/or mitigation requirements of the "Cultural Resource Assessment for the Crescent Ridge Ranch Project" prepared by Cultural Resource Consultants of Seattle, WA, dated March 19, 2020, including, but not limited to:
 - 2.1 In the event that ground-disturbing or other construction activities result in the inadvertent discovery of buried archaeology, the development work should cease, and immediate contact should be made with the History/Archaeology Department of the Colville and/or Wanapum Tribe, Grant County Planning and the Office of Archaeology and Historic Preservation in Olympia.
3. The landowner/applicant shall comply with all findings, recommendations, restrictions, and/or mitigation requirements of the Geotechnical Engineering Evaluation and Geological Hazard Assessment Report that was performed by Nelson Geotechnical Associates, of East Wenatchee, WA, dated August 2, 2019 which including, but are not limited to the following items:
 - 3.1 Erosion control measures.
 - 3.2 Design and construction standards, methods and recommendations for Temporary and Permanent Slope design construction.
 - 3.3 Design and construction standards, methods and recommendations for Structural Foundations.
 - 3.4 Design and construction standards, methods and recommendations for Retaining Walls including retaining wall foundations, structural fill and subsurface drainage.
 - 3.5 Design and construction standards, methods and recommendations for Structural Fill.
 - 3.6 Design and construction standards, methods and recommendations for Slabs-on-grade design.
 - 3.7 Design and construction standards, methods and recommendations for Site Drainage.
4. The landowner/applicant shall comply with all findings, recommendations, restrictions, and/or mitigation requirements of the subsurface evaluation report performed by Tower Designs, Inc. for on-site sewer disposal systems dated July 16, 2019 including but not limited to:
 - 4.1 Soils in the orchard area of the site will be suitable for gravity flow sewage systems.
 - 4.2 Soil types for the bench area of the site will require a sewage disposal system meeting the treatment level B, requirement as defined in WAC 246-272A with the system likely being a sand lined pressurized system.

P 19-0410, P 19-0411, P 19-0412 & P 19-0413

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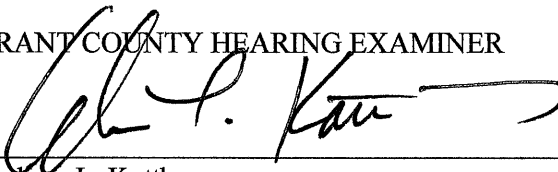
- 5 The landowner/applicant shall comply with all findings, recommendations, restrictions, and/or mitigation requirements of the Traffic Impact Assessment report performed by Transportation Engineering Northwest for traffic improvements dated June 9, 2020, including but not limited to:
 - 5.1 Extend the existing westbound left-turn lane on SR 28 at Crescent Bar Road from the existing 100 feet to the originally designed 175 feet.
- 6 Developer shall comply with all requirements deemed necessary by the Washington State Department of Health, and the Washington State Department of Ecology regarding domestic water supply, sewage systems and storm water control and treatment including, but not limited to: Chapter 90.48 RCW – Water Pollution Control , Chapter 173-216 WAC – State Waste discharge permit program , Chapter 173-220 WAC, Chapter 173-200 WAC – National pollution discharge elimination system permit program and Chapter 173-201A WAC – Water quality standards for surface waters of the State of Washington.
- 7 The landowner/applicant shall comply with the Grant County Public Works requirements including but not limited to:
 - 7.1 Provide a plat check fee of \$200.00 for PUD plats.
 - 7.2 An approach permit shall be obtained for all access points onto private roads for Parcel 15-0629-000.
 - 7.3 An approach permit shall be obtained for all access points onto private roads for Parcel 14-1289-000.
 - 7.4 Provide Civil Construction Plans for Review/comment by Grant County Public Works and Development Services, for improvements along Crescent Bar Rd.
 - 7.5 No Access Hatching along the property line with Crescent Bar Road and along radii of private roads for 50' shall be added to the plat.
 - 7.6 Radius at all Rights-of-Way intersections shall be labeled. (20' minimum radius)
 - 7.7 All improvements along and to Crescent Bar Road shall be accepted and approved by Grant County Public Works prior to final PUD approval.
 - 7.8 Work in Right-of-Way permits shall be obtained prior to any work in the Grant County Right-of-Way.
 - 7.9 Private Roads shall be built prior to final acceptance.
 - 7.10 Provide a letter stating that the Private Roads have “All-weather Capability”, as determined by a licensed Professional engineer.
 - 7.11 There shall be a Homeowners Association or Agreement between owners, for proper road maintenance for the private road.
 - 7.12 Additional Right-of-Way to be dedicated to Grant County for improvements along Crescent Bar Road needs to have a consistent width and, the width shown on Plat map.
- 8 The landowner/applicant shall comply with the Grant County Fire Marshal requirements including but not limited:

- 8.1 All real property development shall comply with all applicable local, state, and federal laws including the establishment of water supply for fire suppression fire code requirements. Since this will have a Class A Water System, and there is a commercial element to the development, a minimum of 750 gallons per minute with a 20 pound per square inch residual fire flow will be required.
- 8.2 Interior roads shall be maintained free of snow and ice during inclement weather to allow access of emergency vehicles.
- 8.3 Road width will comply with International Fire Code, Appendix D which will be 26', and the cul-de-sac's having a 96' radius.
- 9 Best Management Practices (BMPs) shall be utilized as necessary during development and implementation of this proposal in order to minimize temporary disturbances to the subject area, to lessen the risk of erosion, and to stabilize the site during construction. Proper erosion and sediment control practices must be used to prevent upland sediments from entering surface water. Dust and emissions to the air will be controlled by using water on-site for dust control as needed.
- 10 All development shall be installed in such a manner so as to prevent run-off from the site from entering adjoining properties. Surface water run-off must be contained and absorbed on-site.
- 11 The proposed development shall not inflict upon adjacent land(s) smoke, dust, glare, dirt, steam, vibration, noise, electrical interference, excessive hazards, odors, or pollution which exceeds applicable local, state, or federal standards.
- 12 A plan showing control of any overflow from the Emergency Overflow Spillway area shall be required prior to completion and final inspection of the pond to the satisfaction of the Grant County Public Works Department.
- 13 The applicant shall obtain a Construction Stormwater General Permit.
- 14 Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by International Building Code, International Residential Code, International Mechanical Code, or Uniform Plumbing Code, or to cause any such work to be performed, shall first make application to the Grant County Development Services, Building Division and obtain the required permit.
- 15 Watering of the site will occur as necessary during the construction phase of the project to control dust and other particulates.
- 16 State regulations regarding safe handling of hazardous materials, if stored, used, found, or produced will be enforced during the construction process.
- 17 Construction activities will be limited to hours as specified by Grant County which will mitigate the impacts of potential construction.

- 18 The Surveyor's Certificate and Auditor's Certificate shall say "plat".
- 19 The Conditional Use Permit is issued solely for the scope of work described in the project description. Any other intended scope of work shall require additional land use permitting and review under Grant County Code.
- 20 This proposal shall comply with Unified Development Code Chapter 23.08 "Performance and Use Standards" § 330 Residential (Mini) Storage Facilities.
- 21 This proposal shall comply with Unified Development Code Chapter 23.12 "Development Standards" including but not limited to:
- 21.1 23.12.080 Clearing, Grading and Drainage Standards
 - 21.2 23.12.130 Parking
 - 21.3 23.12.170 Landscaping
 - 21.4 23.12.180 Visual Screening
 - 21.5 23.12.190 Lighting Standards

Dated this 17th day of August, 2020.

GRANT COUNTY HEARING EXAMINER



Andrew L. Kottkamp

EXCEPT AS PROVIDED BY GRANT COUNTY UNIFORM DEVELOPMENT CODE, SECTION 25.32.150, THE DECISION OF THE HEARING EXAMINER IS FINAL AND CONCLUSIVE UNLESS APPEALED TO THE GRANT COUNTY SUPERIOR COURT WITHIN TWENTY-ONE (21) DAYS AFTER THE ISSUANCE OF THIS DECISION AS PROVIDED BY RCW 36.70C.040 AND GRANT COUNTY UNIFORM DEVELOPMENT CODE, SECTIONS 25.32.160 AND 25.04.430.